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Counsel for the Liquidating Trustee

**IN THE UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA**

**IN RE:**

**Chapter 11**

**XYIENCE INCORPORATED,  
a Nevada corporation,**

**No. BK-S-08-10474-MKN**

**Debtor.**

**DAVID R. HERZOG,  
as Liquidating Trustee,**

**Plaintiff,**

**Adversary Case No. 10-1079-MKN**

**v.**

**ZUFFA MARKETING, LLC, a Nevada  
limited liability company,**

**Defendant.**

**NOTICE OF DISMISSAL**

Plaintiff David R. Herzog, as Liquidating Trustee, for the estate of Xyience, Incorporated, the former debtor and debtor in possession the above-captioned Chapter 11 case, hereby gives notice that he is dismissing this adversary proceeding pursuant to Rule 41(a)(1)(A)(i) of the Federal Rules of Civil Procedure, as made applicable here by Rule 7041 of the Federal Rules of Bankruptcy Procedure.

Dated: April 14, 2010

Respectfully submitted,

/s/ Jonathan A. Backman

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*David Herzog, as Liquidating Trustee for the  
Estate of Xyience, Incorporated*

**CERTIFICATE OF SERVICE**

I, Jonathan A. Backman, an Illinois attorney, hereby certify that on April 14, 2010, I electronically filed the foregoing **Notice of Dismissal** with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Matthew L. Johnson  
on behalf of Plaintiff DAVID HERZOG  
MATTHEW L. JOHNSON & ASSOCIATES, P.C.  
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Bruce T. Beesley  
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on behalf of ZUFFA MARKETING, LLC  
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and I hereby certify that I have delivered the document to the following non-CM/ECF participants by electronic transmission to: NONE

/s/ Jonathan A. Backman  
Jonathan A. Backman